

SB 6357 - S AMD 18

By Senator Kline and Kohl-Welles

ADOPTED 02/12/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Recent tragic events have demonstrated the
4 need to find ways to make legal protections for domestic violence
5 victims more accessible. On March 6, 2007, Rebecca Jane Griego, an
6 employee at the University of Washington, had obtained a temporary
7 protection order against the man who eventually shot her and then
8 himself in a murder-suicide on April 2, 2007. However, because her
9 stalker had evaded the police and service of process, Ms. Griego had to
10 return to court numerous times and did not have the opportunity to have
11 a hearing for a permanent protection order. Under current court rules,
12 which vary by court, if a process server fails to serve process after
13 an unspecified number of times, process may be served by publication or
14 by mail. Establishing greater uniformity in the service of process of
15 petitions for orders for protection or modifications of protection
16 orders in domestic violence cases may help to protect the safety of
17 future domestic violence victims.

18 **Sec. 2.** RCW 26.50.050 and 1995 c 246 s 6 are each amended to read
19 as follows:

20 Upon receipt of the petition, the court shall order a hearing which
21 shall be held not later than fourteen days from the date of the order.
22 The court may schedule a hearing by telephone pursuant to local court
23 rule, to reasonably accommodate a disability, or in exceptional
24 circumstances to protect a petitioner from further acts of domestic
25 violence. The court shall require assurances of the petitioner's
26 identity before conducting a telephonic hearing. Except as provided in
27 RCW 26.50.085 and 26.50.123, personal service shall be made upon the
28 respondent not less than five court days prior to the hearing. If
29 timely personal service cannot be made, the court shall set a new

1 hearing date and shall either require an additional attempt((s)) at
2 obtaining personal service or permit service by publication as provided
3 in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The
4 court shall not require more than two attempts at obtaining personal
5 service and shall permit service by publication or by mail unless the
6 petitioner requests additional time to attempt personal service. If
7 the court permits service by publication or by mail, the court shall
8 set the hearing date not later than twenty-four days from the date of
9 the order. The court may issue an ex parte order for protection
10 pending the hearing as provided in RCW 26.50.070, 26.50.085, and
11 26.50.123.

12 **Sec. 3.** RCW 26.50.130 and 1984 c 263 s 14 are each amended to read
13 as follows:

14 (1) Upon application with notice to all parties and after a
15 hearing, the court may modify the terms of an existing order for
16 protection.

17 (2) Except as provided in RCW 26.50.085 and 26.50.123, personal
18 service shall be made upon the nonmoving party not less than five court
19 days prior to the hearing to modify.

20 (a) If timely personal service cannot be made, the court shall set
21 a new hearing date and shall either require an additional attempt at
22 obtaining personal service or permit service by publication as provided
23 in RCW 26.50.085 or service by mail as provided in RCW 26.50.123.

24 (b) The court shall not require more than two attempts at obtaining
25 personal service and shall permit service by publication or by mail
26 unless the moving party requests additional time to attempt personal
27 service.

28 (c) If the court permits service by publication or by mail, the
29 court shall set the hearing date not later than twenty-four days from
30 the date of the order permitting service by publication or by mail.

31 (3) In any situation where an order is terminated or modified
32 before its expiration date, the clerk of the court shall forward on or
33 before the next judicial day a true copy of the modified order or the
34 termination order to the appropriate law enforcement agency specified
35 in the modified or termination order. Upon receipt of the order, the
36 law enforcement agency shall promptly enter it in the law enforcement
37 information system."

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1 On page 1, line 1 of the title, after "cases;" strike the remainder
2 of the title and insert "amending RCW 26.50.050 and 26.50.130; and
3 creating a new section."

EFFECT: Amends the bill to state that if timely personal service of the order containing notice of the hearing on a petition for relief from domestic violence cannot be made, the court shall either require one additional attempt to obtain personal service, or permit service by publication or by mail (rather than only permitting service by publication/mail after one additional attempt to obtain personal service has been made). Also adds amendatory language stating that the court shall not require more than two attempts at personal service.

These amendments also apply to the provision concerning personal service of the order containing notice of the hearing on a petition to modify the terms of an existing domestic violence protection order.

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